

Notice of Allowability

Application No.

09/706,076

Examiner

Mary J. Steelman

Applicant(s)

WILLEMS, RICHARD A.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10 December 2004.
2. ☒ The allowed claim(s) is/are 1-8 and 10-17.
3. ☒ The drawings filed on 06 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Anthony Nguyen-Ba

ANTONY NGUYEN-BA
PRIMARY EXAMINER

DETAILED ACTION

1. Per Applicant's request, claims 1, 6, 11, and 13 are amended. Claims 1-8 and 10-17 are pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Plotkin, Reg. No. 43,861 on 16 March 2004.

The application has been amended as follows:

Claim 1, line 13, is to be amended to read:

descriptors ~~while~~, within about 20 milliseconds or less, thereby maintaining data coherency and without

Claim 6, line 17, it to be amended to read:

extracting data from the node ~~while~~ within about 20 milliseconds or less thereby maintaining data

Claim 11, line 17, it to be amended to read:

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extracting data from the node ~~while~~ within about 20 milliseconds or less thereby maintaining data

Claim 13, line 25, it to be amended to read:

~~while~~ within about 20 milliseconds or less thereby maintaining data coherency and without disrupting operation

REASONS FOR ALLOWANCE

3. Claims 1-8 and 10-17 are allowed. Claims will be renumbered 1-16.

4. The following is an examiner's statement of reasons for allowance:

As Applicant has noted on page 10, second paragraph of Remarks, dated 10 December 2004, independent claim limitations require "suspending execution of all threads...including at least one thread in at least one real-time control program...gathering data specified by the plurality of memory element descriptors while maintaining data coherency...and without disrupting operation of the at least one real-time control program..." The added limitation of quickly collecting data "within about 20 milliseconds or less" is why real-time control programs are not disrupted. The prior art of record taken alone or in combination fails to teach "gathering data , within about 20 milliseconds or less, without disrupting the operation of at least one real-time control program executing on a computer..."

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All independent claims contain these limitations. All independent claims, claims 1, 6, 11, and 13 are distinguished over prior art. Therefore all dependent claims are allowed, claims 2-5, 7, 8, 10, 12, and 14-17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (571) 272-3704. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached at (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman



03/17/2005



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**